

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEITA BRISBON	:	CIVIL ACTION
	:	
v.	:	No. 08-3447
	:	
RAYMOND SOBINA, et al.	:	

ORDER

AND NOW, this 14th day of December, 2010, upon careful and independent consideration of the petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, and after review of the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski, to which no objections have been filed,¹ it is ORDERED:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The petition for a writ of habeas corpus is DISMISSED;
3. There is no basis for the issuance of a certificate of appealability; and
4. The Clerk of the Court shall mark this case CLOSED for statistical purposes.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.

¹ Instead of filing objections to the Report and Recommendation (R&R), Petitioner Keita Brisbon filed a Notice of Appeal (Notice). The Third Circuit subsequently dismissed Brisbon's appeal for lack of jurisdiction. Because the copy of the Notice forwarded to the Third Circuit was illegible, however, the Third Circuit could not rule out the possibility Brisbon intended the Notice to constitute his objections to the R&R and, in an abundance of caution, directed this Court to consider whether the Notice should be so construed. Although this Court thereafter attempted to locate Brisbon's original Notice, the Notice could not be found. Therefore, by Order of October 14, 2010, this Court directed Brisbon to re-file a legible copy of his Notice by November 15, 2010. Because the copy of the Notice available electronically on this Court's docket is illegible, and because Brisbon has not responded to this Court's October 14, 2010, Order, there is no basis on which to conclude Brisbon intended his Notice to constitute objections to the R&R. Accordingly, this Court concludes no objections to the R&R have been filed.